

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JESSE HANS LIEBL,

Plaintiff,

vs.

JESTER, et al.,

Defendants.

1:23-cv-01131-GSA-PC

**ORDER FOR CLERK TO RANDOMLY
ASSIGN A UNITED STATES DISTRICT
JUDGE TO THIS CASE**

AND

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS BE DENIED AND
PLAINTIFF BE REQUIRED TO PAY
THE \$402.00 FILING FEE IN FULL**

(ECF No. 2.)

**OBJECTIONS, IF ANY, DUE BY
AUGUST 21, 2023**

I. FINDINGS

Jesse Hans Liebl ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On July 21, 2023, Plaintiff filed the Complaint commencing this action, together with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.) On August 2, 2023, the Court received and filed a certified copy of Plaintiff's prison trust account statement. (ECF No. 7.)

1 Plaintiff's prison trust account statement shows that on July 19, 2023, Plaintiff had a
2 balance of \$2,533.84 in the account. (ECF No. 7 at 1.) Based on these facts the Court finds that
3 Plaintiff should be ordered to pay the \$402.00 filing fee for this action. Therefore, Plaintiff's
4 motion to proceed *in forma pauperis* should be denied, and Plaintiff should be required to pay
5 the statutory filing fee of \$402.00 for this action in full within 30 days.

6 **II. ORDER, RECOMMENDATIONS, AND CONCLUSION**

7 Accordingly, **IT IS HEREBY ORDERED** that the Clerk shall randomly assign a United
8 States District Judge to this case;

9 **AND**

10 Based on the foregoing, **IT IS HEREBY RECOMMENDED** that:

- 11 1. Plaintiff's motion to proceed *in forma pauperis*, filed on July 21, 2023, be
12 DENIED; and
- 13 2. Plaintiff be required to pay the \$402.00 filing fee for this action in full within 30
14 days.

15 These findings and recommendations are submitted to the United States District Judge
16 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **On or before**
17 **August 21, 2023**, Plaintiff may file written objections with the court. Such a document should
18 be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is
19 advised that failure to file objections within the specified time may waive the right to appeal the
20 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

21
22 **IT IS SO ORDERED.**

23 Dated: **August 2, 2023**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE